

OFFICIAL COPY

Fresno, California

May 16, 2006

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Jerry Duncan	Council President

Andy Souza, City Manager
 Bruce Rudd, Assistant City Manager
 James Sanchez, Interim City Attorney
 Becky Klisch, City Clerk
 Yolanda Salazar, Assistant City Clerk

Pastor Ara Guekguezian of the Pilgrim Armenian Congregational Church gave the invocation, and Councilmember Calhoun led the Pledge of Allegiance.

PROCLAMATION OF "LANCE OMEJE - TEACHER OF THE YEAR" - COUNCILMEMBER STERLING

PROCLAMATION OF "CITY OF FRESNO BIKE WEEK" - MAYOR AUTRY AND CITY COUNCIL

PROCLAMATION OF "GARY NELSON - TEACHER OF THE YEAR" - COUNCILMEMBER STERLING

The above proclamations were read and presented.

RECOGNITION AWARDS TO DISTRICT 7 STUDENTS - ACTING PRESIDENT PEREA

Presented. Councilmember Sterling left the meeting at 9:15 a.m.

RECOGNITION OF INTERNATIONAL BACCALAUREATE STUDENTS FROM FRESNO HIGH SCHOOL - COUNCILMEMBER BOYAJIAN

Recognized. **(2 - 0)**

PROCLAMATION OF "NATIONAL PUBLIC WORKS WEEK" - MAYOR AUTRY AND CITY COUNCIL

Read and presented.

PROCLAMATION OF "FRESNO METROPOLITAN FLOOD CONTROL DISTRICT DAY" - COUNCILMEMBER DAGES

Read and presented.

APPROVE MINUTES OF MAY 9, 2006:

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, RESOLVED, the minutes of May 9, 2006, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

President Duncan (1) announced the City Council meeting of May 23rd was cancelled as there would be no quorum and as a result a meeting was scheduled for June 6th which was a date Council was not originally scheduled to meet due to election day; (2) advised a special meeting (closed session) needed to be scheduled for city attorney interviews and suggested either May 24th from 1-4 pm or May 26th from 9am to 12 noon and requested members let the city clerk know which day would work for them; and (3) advised the electronic voting system was not functioning and a new system was in the works and would be in place soon.

Councilmember Westerlund (1) noted there was extensive discussion on an item last week relating to the Redevelopment Agency wherein a list of projects was provided that involved the Agency, clarified many of those projects were a team effort involving the public works and planning departments and acknowledged city staff for all their work, and stated that team work was very important and was why so many different things have been, and are being, accomplished; and (2) congratulated public works staff on the Willow/Herndon agreement with Clovis stating he looked forward to that area being cleaned up and built out.

Acting President Perea (1) commended Channel 24 on their news story on the city's fire department and for educating the public on the serious challenges the department has, and questioned if the city manager/fire department was working on a plan to get to four firefighters per rig, with Assistant City Manager Rudd stating staff would provide an update and look at what it would take to get to four along with implications to the general fund; and (2) congratulated firefighter Jerry Smith, Vice President of the firefighters association, who is being recognized this Friday by the East Fresno Kiwanis Club as the "Fresno City Firefighter of the Year".

Councilmember Boyajian (1) thanked public works for resolving a problem at Kern and Van Ness, and Jet Lim and his crew for removing graffiti at the Shields/Van Ness underpass; and (2) noted there was a real positive article on Fresno in Sunday's New York Times adding the reporter spent three days in Fresno visiting bars and restaurants in the west area and the Tower District and had positive comments.

Councilmember Dages (1) advised May 24th would work for him for the special meeting; (2) noted the homeless/tent people problem at Chestnut and Kings Canyon that he reported last week to the city manager was still occurring with code enforcement and the police department saying they can not do anything, and requested staff let him know who can do something so he can give appropriate direction; (3) advised nothing has happened relative to public utilities setting up a meeting with residents on the 5200-5300 block of Huntington to address the sewer problem, stated this has been going on for some time and requested a meeting be scheduled with himself and the department to discuss the matter, and added the residents are aware they have to pay to hook up to the city's system; and (4) thanked water division staff for addressing the water shut-off problem on Huntington Boulevard.

APPROVE AGENDA:**(1-M) APPROVAL OF DOWNTOWN TRANSPORTATION AND INFRASTRUCTURE STUDY**

City Clerk Klisch advised the correct title was "*APPROVE CONTRACT FOR DOWNTOWN TRANSPORTATION AND INFRASTRUCTURE STUDY*". So noted.

(1-D) AWARD TWO (2) INTERIM REQUIREMENTS CONTRACTS TO CENTRAL VALLEY TRUCK CENTER FOR (1) AUTOMATED, SIDE-LOADING REFUSE TRUCKS, AND (2) FRONT-LOADING REFUSE TRUCKS, THROUGH OCTOBER 30, 2006

City Clerk Klisch advised a (incorrect) bid evaluation was inadvertently attached to the item.

(10:15 A.M. #2) HEARING ON CFD NO. 11, ANNEXATION NO. 7 - FINAL TRACT MAP NO. 5406

1. RESOLUTION - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX
2. RESOLUTION - CALLING A SPECIAL AILED-BALLOT ELECTION
3. RESOLUTION - DECLARING ELECTION RESULTS
4. BILL - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2006-07 AND FUTURE TAX YEARS

City Clerk Klisch advised staff was requesting the matter be continued to June 6th as LAFCO proceedings had not yet been completed and recommended the hearing be continue to June 6th at 10:15 a.m. #2.

147-165

5/16/06

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Westerlund, Duncan
 Noes : None
 Absent : Sterling

ADOPT CONSENT CALENDAR:

Kathy Omachi, 759 F Street, Reedley, Vice President for Chinatown Revitalization, spoke in support of Item **1-P** and to what the grant funds will do if approved, and commended Historic Preservation Manager Hattersley-Drayton and Planning & Development Director Yovino for their work and Council for supporting the application.

*Students from Turner Elementary School were recognized and welcomed.

Councilmember Boyajian pulled Items **1-M** and **1-P**, Councilmembers Westerlund pulled Item **1-Q**, and Councilmember Calhoun pulled Item **1-B** from the Consent Calendar for later discussion/action under Contested Consent Calendar. Councilmember Calhoun also commended staff for their great work on Item **1-N** and concurred with Ms. Omachi on **1-P**.

(1-A) RESOLUTION NO. 2006-168 - AUTHORIZING ACCEPTANCE OF THE 2006 JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM AWARD OF \$14,823 FOR CONTINUATION OF THE TRUANCY UNIT AND EXECUTION OF ALL GRANT-RELATED DOCUMENTS

(1-C) AUTHORIZE ACCEPTANCE OF THE CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAMS (CALMMET) 2006-2007 GRANT PASS-THROUGH AWARD OF \$200,100, AND AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO THE OPERATIONAL AGREEMENT AND COMPLETE PROGRAM DOCUMENTS

(1-D) AWARD TWO (2) INTERIM REQUIREMENTS CONTRACTS TO CENTRAL VALLEY TRUCK CENTER FOR (1) AUTOMATED, SIDE-LOADING REFUSE TRUCKS, AND (2) FRONT-LOADING REFUSE TRUCKS, THROUGH OCTOBER 30, 2006

(1-E) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO (2) ONE-YEAR EXTENSIONS TO HUGHES SUPPLY IN THE AMOUNT OF \$95,900 TO PROVIDE TAPPING SLEEVES AND TAPPING GATE VALVES

(1-F) AWARD A CONTRACT TO KELLY C. BROYLES CONSTRUCTION, INC., IN THE AMOUNT OF \$97,000 FOR SEVEN (7) NEW ACCESS STRUCTURES IN THE WASTEWATER COLLECTION SYSTEM

(1-G) AWARD A CONTRACT FOR THE BASE BID ONLY TO ROOF SYSTEMS, INC., d.b.a. NATIONAL ROOF WEST, IN THE AMOUNT OF \$299,655 TO RE-ROOF THE LOWER ROOF OF THE SAROYAN THEATER

(1-H) AWARD A CONTRACT TO BILL MARVIN ELECTRIC IN THE AMOUNT OF \$216,018 FOR TRAFFIC SIGNAL MODIFICATION AT THE FIRST/OLIVE AVENUES INTERSECTION

(1-I) RESOLUTION NO. 2006-169 - INTENT TO ANNEX FINAL TRACT NO. 5251 TO CFD NO. 2, ANNEXATION NO. 120, AND SETTING THE REQUIRED PUBLIC HEARING FOR JUNE 20, 2006

(1-J) RESOLUTION NO. 2006-170 - INTENT TO ANNEX FINAL TRACT NO. 5300 TO CFD NO. 2, ANNEXATION NO. 121, AND SETTING THE REQUIRED PUBLIC HEARING FOR JUNE 20, 2006

(1-K) RESOLUTION NO. 2006-171 - APPROVING THE FINAL MAP OF TRACT NO. 5171 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, S. CLOVIS AVENUE BETWEEN E. CHURCH AND E. JENSEN AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR AND PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE

NECESSARY DOCUMENTS

147-166

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(1-L) RESOLUTION NO. 2006-172 - 77TH AMENDMENT TO AAR 2005-286 APPROPRIATING \$220,000 TO PROVIDE UGM REIMBURSEMENT TO THE REDEVELOPMENT AGENCY FROM AVAILABLE FUNDS

(1-N) AUTHORIZE THE GENERAL SERVICES DIRECTOR TO SUBMIT A PROPOSAL TO THE CALIFORNIA AIR RESOURCES BOARD (CARB) TO RECEIVE UP TO \$1,250,000 TO BUILD A HYDROGEN FUELING STATION AT THE MUNICIPAL SERVICE CENTER

(1-O) RESOLUTION NO. 2006-173 - INTENT TO ANNEX FINAL TRACT NO. 5283 TO CFD NO. 2, ANNEXATION NO. 123, AND SETTING THE REQUIRED PUBLIC HEARING FOR JUNE 20, 2006

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Westerlund, Duncan
 Noes : None
 Absent : Sterling

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(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:

Franz Weinschenk spoke to the U.S. Mayor's Committee on protection of the environment and its' goal of reducing green house gases and to his prior request to Council to have the city join the committee.

Deanna Jackson, 3077 E. Home, spoke to handicap walk-through markings including some not marked properly and one she fell on, submitting photos to illustrate, and stated something needed to be done. Assistant City Manager Rudd stated staff would review existing codes and provide this information to the ADA Advisory Committee to see if anything could be done to enhance requirements, and Acting President Perea stated his office would contact Ms. Jackson and be the go-between to help bring resolution to the issue.

John Sepeda, Candy's Mexican Restaurant, 1243 Fulton Mall, stated he appeared before Council last month regarding food vendor carts on the mall and the matter had not been pursued, and questioned what the status was and if staff looked at what cart vendors were permitted to do. Assistant City Manager Rudd stated staff was looking at the permitting and licensing requirements and requested Mr. Sepeda leave his name and phone number with the city manager's office and added staff would provide a report within 7 days.

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RECESS - 10:10 A.M. - 10:15 A.M.

(10:15 A.M. #1) PRESENTATION BY ELECTRONIC RECYCLERS OF PROCEEDS FROM EARTH DAY E-WASTE RECYCLING EVENT

John Shegerian, CEO of Electronic Recyclers, spoke to his 18-month old company and to the warm welcome and help they received from the Mayor's office and city staff, stated the company has become California's number one electronic waste recycler, they planned to keep their headquarters here in Fresno, and they would be opening businesses in at least three or four more states within the next year, and presented the city with a check in the amount of \$15,000+ from proceeds from their successful Earth Day collection event that was held in the city. Deputy Mayor Montero stated they were very excited when John and Tammy Shegerian approached the city on this endeavor and added they were a prize for the city, and along with President Duncan thanked the Shegerians for their business and the check **(3 - 0)**.

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(9:15 A.M. "A") AWARD AN INTERIM CONCESSION CONTRACT FOR OPERATION AND MAINTENANCE OF CAMP FRESNO AND CAMP FRESNO JR. AT DINKEY CREEK TO DENNIS AND KIMBERLY BEARD

1. DISCUSSION AND DIRECTION TO STAFF REGARDING AWARD OF THE CONTRACT - COUNCILMEMBER BOYAJIAN

Parks Manager Dean gave an overview of the issue, all as contained in the staff report as submitted, and recommended an interim contract be awarded to the Beards until staff "gets on top" of all the improvements that need to be made at the camp.

147-167

5/16/06

Councilmember Boyajian advised he scheduled his part of the item to allow past camp operator Nancy Omachi to speak to the issue but she was not present, whereupon Interim City Attorney Sanchez advised his office received a call from Ms. Omachi's attorney who indicated they would not be making an appearance this date and they would not be objecting to Council moving forward with staff's recommendation.

Speaking in support of staff's recommendation were: David Miller, 2616 E. Palo Alto, and Karl Weiler, 6528 N. Delbert.

Mr. Dean responded to questions of Councilmembers Calhoun and Boyajian relative to what the return was to the city from Ms. Omachi and what it was prior to her, the return from the Beards, reason for the price difference between Ms. Omachi's and the Beard's surety bond, two complaints received during Ms. Omachi's operation, concern with the concessionaire's pay/camp needs and items the concessionaire needs to fix/the concessionaire being in a precarious position, the city's obligations, and if the city was receiving revenue during Ms. Omachi's operation.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, an interim concession agreement to operate and maintain Camp Fresno and Camp Fresno Jr. hereby awarded to Dennis and Kimberly Beard, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Westerlund, Duncan
Noes : None
Absent : Sterling

(9:15 A.M. "B") CONSIDERATION AND ADOPTION OF MATTERS RELATING TO AUTOMATIC FIRE EXTINGUISHING SYSTEMS FOR ALL NEW OCCUPANCIES (FIRE SPRINKLER ORDINANCE)

- 1. RESOLUTION NO. 2006-174 - ADOPTING FINDINGS REGARDING LOCAL CLIMATIC, GEOLOGICAL AND TOPOGRAPHICAL CONDITIONS THAT SUPPORT AMENDING THE UNIFORM FIRE CODE AND UNIFORM BUILDING CODE TO REQUIRE THE SYSTEMS IN NEW RESIDENTIAL OCCUPANCIES AS SET FORTH IN BILL NO. B-64**
- 2. BILL NO. B-64 - ORDINANCE NO. 2006-66 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO REQUIRED INSTALLATION OF AUTOMATIC FIRE EXTINGUISHING SYSTEMS FOR ALL OCCUPANCIES**

Chief Bruegman gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Speaking in opposition to staff's findings and position and to issues the city will be faced with if the ordinance is adopted were: Mike Prandini, Building Industry Association, who also submitted a letter into the record, on file in the office of the city clerk, and Attorney Michael Shonafelt and Registered Fire Protection Engineer Michael Slifka on behalf of the BIA.

Councilmember Westerlund stated the BIA's letter was untimely noting this matter had been discussed for a long time, and presented questions relative to other jurisdictions in California that have fire sprinklers and if staff was aware of the argument that the city would be pre-empting the UBC, with Chief Bruegman responding. Councilmember Westerlund spoke to the issue including how fighting fires in Fresno is different from northern California cities and to the city's air quality issues, stated there was ample justification for the ordinance and added based upon the testimony of the BIA's expert witness, Mr. Slifka, they make the case that homes should be entirely sprinklered, and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Calhoun. President Duncan spoke briefly to the challenges of the fire department and the resources needed to adequately protect the city and stated this was a safety issue.

Interim City Attorney Sanchez clarified for the record that Council had clear discretion under state law to depart from the UBC when the findings could be made, and the city and the area being in an overdraft situation and relying on an underground water supply for its' fire response also added to the necessity to have these supplemental resources to fight fires.

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2006-174 hereby adopted, and the above entitled Bill No. B-64 adopted as Ordinance No. 2006-66, by the following vote:

Ayes : Boyajian, Calhoun, Westerlund, Duncan
 Noes : Dages, Perea
 Absent : Sterling

(9:15 A.M. "C") PROGRESS REPORT ON COUNCIL DIRECTION TO STAFF TO MEET WITH PUBLIC SCHOOL DISTRICTS AND PRIVATE HIGH SCHOOLS WITHIN THE CITY TO INCREASE THE NUMBER OF STUDENTS ATTENDING POST-SECONDARY EDUCATION

147-168

5/16/06

Education Advocate Madrid gave an update on staff's efforts, activities and meetings since receiving Council's direction, all as contained in the staff report as submitted, and Councilmember Calhoun thanked Mr. Madrid for the report and encouraged staff to continue what they have been doing. There was no further discussion.

(10:00 A.M.) DIRECT STAFF TO NEGOTIATE WITH CLUB ONE FOR FIXED AND/OR REDUCED RATE PARKING IN PARKING GARAGE NO. 8 AND RETURN WITH ACTION OPTIONS BY THE CITY ATTORNEY'S OFFICE - COUNCILMEMBER DAGES

Councilmember Dages stated he scheduled this item as Club One was a little frustrated over the parking issue downtown, noted Club One was currently paying \$5,000 and the city wanted to raise their rate but was giving them options and not a rate figure, stated Club One is a non-government entity downtown that employs 360 people and the city receives revenues from them in the amount of \$1.4 million annually, and stated he felt there should be an agreement as soon as possible with a flat rate and made a motion to direct staff to negotiate with Club One to resolve the issue and give them a parking rate so they can compute that into their revenues, which motion was seconded by Acting President Perea.

Assistant City Manager Rudd and Parking Services Manager Estabrooke advised a personnel issue occurred that directly impacted the state of negotiations and advised staff would come back to Council within 30 days with an agreement for Council's consideration.

Robert Cherry, 1033 Van Ness, representing Club One, **(4 - 0)** stated they are one of the largest private employers in the downtown area and pay a substantial tax to the city regardless of their cost for doing business, noted none of their competitors in the business pay for parking and had advantages over them, and stated they had been paying a straight monthly fee to the city and he felt continuing with a constant fee would be in the best interest of the city and Club One.

Mr. Estabrooke, Mr. Rudd and Interim City Attorney Sanchez responded to comments/questions of Councilmembers Boyajian and Calhoun relative to this being a global issue, the Hilton Hotel situation and if parking was an issue, if it was possible for staff to keep Council updated on the Hilton issue, the extensive trail of letters and proposals going back and forth, what the outstanding issue was, negotiations occurring and concern with the motion sending a message that the city dropped the ball, if Council would be directing staff to do what they are already doing, and if the motion was saying staff stopped negotiating and without it staff would "sit on their hands".

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, **RESOLVED**, staff directed to negotiate with Club One to resolve the parking rate issue/negotiate an acceptable contract and return within 30 days, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Westerlund, Duncan
 Noes : None
 Absent : Sterling

(11:00 A.M. #1) CONTESTED CONSENT CALENDAR:

(1-B) AUTHORIZE THE CHIEF OF POLICE TO ACCEPT THE ONE-THIRD SHARE OF THE CIVIL FINES COLLECTED BY THE COUNTY FOR TOBACCO VIOLATIONS THAT OCCUR IN THE CITY

1. RESOLUTION - 78TH AMENDMENT TO AAR 2006-286 TRANSFERRING THE PROJECTED \$20,000 SHARE INTO THE DEPARTMENT'S PAL/LIFE SKILLS PROGRAM

Councilmember Calhoun stated he disagreed that the funds should go exclusive to the PAL/Life Skills program and stated this was a tobacco issue and he felt the money should be used 100% on a tobacco campaign targeting juveniles, with Deputy Chief Martin responding and advising how the \$20,000 would be used in the program. Councilmember Calhoun reiterated he felt the money should be used for anti-smoking efforts adding the department would be a model on how to use those funds appropriately, stated the department had plenty of money for the PAL/Life Skills program, and made a motion to adopt the resolution with the \$20,000 to be used by the Chief of Police to develop an anti-smoking public information campaign targeting juveniles, which motion was seconded by Councilmember Boyajian.

147-169

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Captain West responded to questions of President Duncan relative to civil fines, if the fines were not specifically intended to go into anti-smoking efforts, if civil fines generally go into the general fund, if this issue was not comparable to the statewide anti-smoking initiative where cigarette taxes go to specific uses, and how PAL educates kids on the dangers of alcohol/tobacco use. President Duncan stated the use of the funds as recommended by staff was appropriate and he was supportive, and noting this resolution required 5 affirmative votes made a motion to table the matter to 3:00 p.m. for a full Council.

On motion of President Duncan, seconded by Acting President Perea, duly carried, RESOLVED, Item 1-B tabled to 3:00 p.m. for a full Council, by the following vote:

Ayes	:	Calhoun, Dages, Perea, Westerlund, Duncan
Noes	:	Boyajian
Absent	:	Sterling

(1-M) APPROVE CONTRACT FOR THE DOWNTOWN TRANSPORTATION AND INFRASTRUCTURE STUDY (DTIS)

Councilmember Boyajian stated his concern was *another* downtown plan when there were already so many and not even implemented, and questioned if the other Council-approved plans would be looked at, what assurance there was this plan would be implemented at some point, and the funding source/if staff was seeking grant funds to conduct this study, with Transit Planning Manager Downs and Assistant City Manager Rudd responding throughout. Councilmember Boyajian reiterated his concern with the number of other plans but acknowledged this was a good plan and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Westerlund.

Councilmember Calhoun stated Councilmember Boyajian was correct, advised he presented similar questions last time to the city manager who promised staff would report to council on how all these plans fit together, stated now here was another plan and he was hearing staff say this plan would somehow tie all the others together and he felt staff was not being fair to Council and was taking them for granted, and stated he would take the city manager on his word and made a motion to table this matter until a workshop is held on transportation planning in the city of Fresno. Upon call, the motion died for lack of a second.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Director of Transportation directed to execute all documents necessary for the expenditure of \$302,000 associated with the Downtown Transportation and Infrastructure Study (DTIS) project, by the following vote:

Ayes	:	Boyajian, Dages, Perea, Westerlund, Duncan
Noes	:	Calhoun
Absent	:	Sterling

(1-P) RESOLUTION NO. 2006-175 - AUTHORIZING AN APPLICATION TO THE NATIONAL PARK SERVICE, HISTORIC PRESERVATION GRANTS PROGRAM FOR A PRESERVE AMERICA GRANT, AND AUTHORIZE THE MAYOR TO SIGN THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY

Planning Manager Unruh responded to questions of Councilmember Boyajian relative to how this demonstration project was going to be coordinated with major projects like the Chinatown and Armenian Town projects and if city-owned property would be involved.

On motion of Councilmember Boyajian, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled

Resolution No. 2006-175 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Westerlund, Duncan
 Noes : None
 Absent : Sterling

(1-Q) BILL - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO CARD ROOM EMPLOYEES OR POTENTIAL EMPLOYEES (ADDING LANGUAGE TO ALLOW FOR THE DENIAL, REVOCATION OR SUSPENSION OF AN EMPLOYEE'S REGISTRATION PRIVILEGE IF THE EMPLOYEE OR APPLICANT HAS "ENGAGED IN" CERTAIN CRIMINAL CONDUCT)

Councilmember Westerlund stated the goal was straight-forward and laudable but he had a problem with due-process requirements, i.e., wrong person/wrong name and also with the city possibly being sued if Council moves forth on this ordinance with no criteria being set out on what establishes someone engaged in criminal.

147-170

5/16/06

Police Lieutenant Bennink and Interim City Attorney Sanchez responded and clarified issues relative to the investigations that are conducted, staff originally red-flagging those issues, and staff planning to return with a memo laying out procedural guidelines that would be followed and setting forth thresholds. Upon question of Councilmember Westerlund Mr. Sanchez stated staff could return in two weeks with that memo so Council could have it for consideration before taking action.

On motion of Councilmember Westerlund, seconded by Councilmember Boyajian, duly carried, RESOLVED, Item 1-Q tabled to June 6, 2006, for additional information from the city attorney's office, by the following vote:

Ayes : Boyajian, Calhoun Perea, Westerlund, Duncan
 Noes : Dages
 Absent : Sterling

(10:20 A.M.) HEARING ON REZONE APPLICATION NO. R-06-05 AND ENVIRONMENTAL FINDINGS, FILED BY YAMABE AND HORN ENGINEERING ON BEHALF OF LENNAR FRESNO INC., EAST SIDE OF S. ARMSTRONG BETWEEN E. BUTLER AND E. LOWE AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-06-05/TPM-2006-04, DATED MARCH 30, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-68 - ORDINANCE NO. 2006-67 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20 TO R-1

President Duncan announced the time had arrived to consider the issue and opened the hearing, and upon his question staff stated the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the environmental finding for the E.A. that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-68 adopted as Ordinance No. 2006-67, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Westerlund, Duncan
 Noes : None
 Absent : Sterling

(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-06-07 AND ENVIRONMENTAL FINDINGS, FILED BY THE HOUSING AUTHORITIES OF THE CITY AND COUNTY OF FRESNO, WEST SIDE OF "B" STREET BETWEEN CALAVERAS AND STANISLAUS STREETS

1. CONSIDER AND ADOPT E.A. NO. R-06-07/V-06-02/TPM-2006-06, DATED MARCH 30, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-69 - ORDINANCE NO. 2006-68 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-2-A/BA TO

R-2/BA

President Duncan announced the time had arrived to consider the issue and opened the hearing, and upon his question staff stated the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Duncan closed the hearing.

President Duncan stated he spoke with Councilmember Sterling and she was supportive of the project.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the environmental finding for the E.A. that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-69 adopted as Ordinance No. 2006-68, by the following vote:

147-171

5/16/06

Ayes : Boyajian, Calhoun, Dages, Perea, Westerlund, Duncan
 Noes : None
 Absent : Sterling

(10:35 A.M.) HEARING ON REZONE APPLICATION NO. R-05-88 AND ENVIRONMENTAL FINDINGS, FILED BY BUN MA, EAST SIDE OF N. BRAWLEY AVENUE BETWEEN W. SHIELDS AND W. DAKOTA AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-05-88/T-5453, DATED JANUARY 12, 2006, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-70 - ORDINANCE NO. 2006-69 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-1/UGM

President Duncan announced the time had arrived to consider the issue and opened the hearing, and upon his question staff stated the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for the E.A. that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-70 adopted as Ordinance No. 2006-69, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Westerlund, Duncan
 Noes : None
 Absent : Sterling

(2-A) RESOLUTION NO. 2006-176 - IN SUPPORT OF ADDITIONAL ABOVE GROUNDWATER STORAGE AND EXPRESSING OUTRAGE OF THE ASSEMBLY SPEAKER'S TREATMENT OF ASSEMBLYMAN JUAN ARAMBULA - MAYOR AUTRY, PRESIDENT DUNCAN AND ACTING PRESIDENT PEREA

Acting President Perea gave a brief overview stating it was important to send a message of support for Assemblyman Arambula and also a strong bi-partisan message of concern at how Sacramento treats the central valley, and made a motion to adopt the resolution.

Chief of Staff White noted Council previously passed a resolution in support of additional surface water storage and stated this was a continuation of that, stated what happen to Assemblyman Arambula was very unfortunate and the city needed to take a stand now and send a message that it was very inappropriate to treat an elected official who was doing what his constituency asked to do in such a demeaning and demoralizing way, and requested Council's support.

President Duncan stated it was not fun to do these types of resolutions but sometimes it was necessary, stated the valley needed to take a stand and say "we've had enough", added what Assemblyman Arambula did was appropriate and what happened to him was very unfortunate, stated on the other side the city needed to move forward on additional groundwater storage as the situation was critical now

and would be devastating in the future, and advised yesterday he received a copy of a resolution similar to this one that was adopted unanimously by the Madera County Board of Supervisors.

Councilmember Boyajian stated he supported Assemblyman Arambula and always has but he was not going to get involved in this stating what the Speaker did was partisan politics and getting into democratic partisan politics was not what he was elected to do, and added this resolution may hurt more than help. Councilmember Dages stated this was easy to support and he felt the resolution would also send a message to the assembly and senate that it was time to quit partisan politics, quit voting straight down democratic and/or republic lines, and it was time to do what is right for constituents and taxpayers and added Assemblyman Arambula did just that, and advised he was going to send a letter to the state himself with that same request. Councilmember Calhoun stated Councilmember Boyajian made some good points, stated he was surprised and disappointed to see the water issue conveniently tied into the Arambula issue and that was of concern to him, advised he voted against the Temperance matter when it was before Council as he felt it was not noticed properly for public input, stated he would not support the resolution (1) because of the dam issue and (2) because this was a partisan issue and it was not Council's role to tell Sacramento what to do, **(5 - 0)** and stated he was an independent and was in a non-partisan office and he would follow Assemblyman Arambula's lead and abstain on this "very flawed resolution".

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Councilmember Westerlund stated this was anti-democracy and not partisan, stressed the people of the valley sent a representative to represent their interests and Assemblyman Arambula and everyone in the valley got slapped in the face for it, stressed whether you do or don't play hardball politics you have a right and a duty to represent your constituents the best you can, and stated the insolence and the arrogance of the Speaker doing what he did was beyond pale which was way he was supporting the resolution. Councilmember Boyajian stressed this was democratic/republican county and one better do what his party tells him to do when getting into these kinds of races, added former Assemblyman Mike Briggs could not even get reelected for trying to help his area, stated one of the most important things in partisan politics is to go with the party line and added people get "slapped in the face" all the time for not doing what their platform says they are going to do, and stated he was amazed at what he was hearing.

President Duncan thanked Assemblyman Arambula for his stand and stressed it was time for the senate and assembly members wake up and understand the people of the central valley are not going to sit down and behave themselves on the plantation anymore but are going to fight and speak up and not take being treated like second class citizens.

On motion of Acting President Perea, seconded by President Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2006-176 hereby adopted, by the following vote:

Ayes	:	Dages, Perea, Westerlund, Duncan
Noes	:	Boyajian
Absent	:	Sterling
Abstain	:	Calhoun

(2-B) DISCUSSION AND DIRECTION ON THE DOWNTOWN VACANT BUILDING INVENTORY REPORT

Councilmember Calhoun read the background portion of his memo as submitted into the record, commended staff on their detailed report, noted there were 118 vacant buildings encompassing almost two million square feet and elaborated, distributed material and spoke to the city of Boston's success with their abandoned buildings, recommended staff be asked to expand the current report by coordinating with the city's economic development department and the Redevelopment Agency and return with recommendations, possibly using the Boston model for bench-marking and reporting, and stated hopefully staff can break down this extensive report into additional categories and look at what Boston or other cities have done, in targeting the owners of vacant buildings.

Councilmember Boyajian thanked Councilmember Calhoun for bringing this forth, stated one thing missing that he hears is a problem is getting through the permitting process and added it might be best to coordinate with the planning & development department, and presented questions relative to whether staff looked at other models when establishing the vacant building ordinance, if the Boston model was looked at, staff's aggressiveness and success and if there were any statistics on the reduction in the number of vacant buildings, if it would be possible for staff to report in a workshop setting on what has been accomplished, if planning & development could look at this issue, the importance to all to revitalize downtown and if there were any plans to expedite the permitting process, and if Councilmember Calhoun's intent was to bootstrap on what staff has done/is doing, with Interim Code Enforcement Manager Robinson, Planning & Development Director Yovino and Councilmember Calhoun responding throughout. Councilmember Calhoun stated the city's ordinance pretty much dealt with abandoned buildings and he wanted to target safe vacant buildings, stressed the city had a huge, serious

problem and added in his 6 years on Council he had not seen any progress downtown, stated people did not want to do business downtown and he was challenging Council and staff to stop whining and do something, stated the private sector drives these things and reiterated his recommendation for staff to look at Boston, and concluded stating he was very pessimistic and the message he had was this was bad news.

President Duncan stated not everyone was quite as pessimistic and pointed out the Forest City and Chinatown projects took care of a lot of the vacant square footage in the report, stated downtown changes don't happen overnight and spoke to the progress that has been made including housing projects, and stated he looks at downtown's future and is very excited and added the important thing was to keep the momentum going and solve issues as they arise. Acting President Perea concurred, stated he understood the frustration and acknowledged there were a lot of vacant buildings that had great opportunities but concurred good, positive things were happening downtown, pointed out the first mixed use housing project would be opening for rent to the public next month and added he looked forward to becoming a downtown homeowner in the future, and encouraged everyone to visit downtown and take a walk, especially during the summer evenings, stating a lot was going on. There was no further discussion.

LUNCH RECESS - 12:22 P.M. - 2:01 P.M. All members were present.

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(2-C) REQUEST UPDATE FROM CITY MANAGER ON THE STATUS OF THE JOINT PUBLIC SAFETY DISPATCH CENTER - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated he had not heard much lately besides the Chamber of Commerce conducting a study on the matter and a meeting set for July with the Board of Supervisors which he did not know about when he scheduled this item, stated he has received a lot of questions and was looking forward to the Chamber's consultant report, and stated the more information Council has the better and suggested an update by staff be scheduled for June 13th to see where things are before the July meeting. President Duncan advised the Chamber's report was due out this date and Council would be receiving it in the next day or so and added it contained a wealth of valuable information, noted discussions had begun about the agenda for the special meeting and stated he was not aware of specifics of the public safety building, and stated Councilmember Calhoun's suggestion was a reasonable one and recommended he schedule it on the agenda along with a request to the city manager to make a presentation. There was no further discussion.

RECESS - 2:06 P.M. - 2:16 P.M.

(11:00 A.M. #2) CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:

(A) DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: COF V. VALLEY POOL PLASTERING, INC.

(B) EXISTING LITIGATION - CASE NAME: COF V. GARFIELD PARK HIGHLANDS, ET AL.

The City Council met in closed session in Room 2125 at the hour of 2:17 p.m. to consider the above matters and reconvened in regular open session at 2:39 p.m.

CLOSED SESSION ANNOUNCEMENT:

Interim City Attorney Sanchez announced in the matter of Item "A", Council authorized staff to move forward with the initiation of litigation on a vote of 7-0.

(2:00 P.M.) PRESENTATION OF THE FISCAL YEAR 2007 CITY OF FRESNO BUDGET BY MAYOR AUTRY

Mayor Autry stated the city and state were in the midst of the most challenging times and because the team concept was embraced more effectively than many other cities Fresno had been able to weather some real difficult times and move forward and thanked Council for being part of that team concept; noted the three principals of the budget were to return most of the citizen's taxpayer dollars back to them in the form of essential services, to invest prudently in the future, and to maintain a rainy day fund for unforeseen events and elaborated further; and stated the new initiatives contained in the budget would receive the most interest and singled out and spoke to two

of the new initiatives -- the GANG Task Force for Prevention and Intervention Services and Video Policing -- due to their importance and being worthy of the investment.

City Manager Souza thanked Mayor Autry and his office staff for helping to pull the budget document together, stated he was excited about not only the new initiatives and enhanced services but also about how this document was created stating it was the first true, fully implemented, "new normal" within the budgeting process and explained the process that was undertaken, and stated he appreciated all the effort of the department directors and key staff and specifically acknowledged, commended and introduced Budget Manager Smith and her staff who were in attendance.

Mayor Autry thanked City Manager Souza for all the time and work put into the budget also thanked Council for their input and requests stating he tried his best to address Council's major priorities, stated he looked forward to the debates, and stated for the record he did not support going to nine council members and noted with a comfortable and fiscal mind he included in the budget the conversion of Council assistants to full time due to the workload that continues to go up.

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Acting President Perea thanked the mayor and staff for all their work, and stated in his quick glance two positives he saw included and that he would be supporting were funding for the consolidation of the communication centers and for a new police training facility stating it was very much needed and further elaborated; stated he also liked the art, park, entertainment and sports deal; and relative to clean air initiatives stated he wanted to see how more solar into city buildings will be incorporated.

President Duncan also thanked staff for their many hours of work and thanked the mayor and staff for their support of the different budget hearing process that will be undertaken (**6 - 0**) stating hopefully the public will attend meetings and see how their government works in person. There was no further discussion.

(2:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

The City Council recessed at 3:00 p.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF MAY 2, 2006

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Agency minutes of May 2, 2006, approved as submitted.

("A") DISCUSSION AND ACTION RELATING TO "O" STREET WATER/SEWER IMPROVEMENTS BETWEEN SANTA CLARA AND VENTURA STREETS IN THE CONVENTION CENTER REDEVELOPMENT PROJECT AREA RELATING TO THE 5TH DISTRICT COURT OF APPEALS COURTHOUSE PROJECT

- 1. JOINT RESOLUTION NO. 2006-177/1678 - MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW AND AUTHORIZING INSTALLATION OF PUBLIC IMPROVEMENTS**
- 2. AWARD A CONTRACT TO WEST VALLEY CONSTRUCTION FOR THE "O" STREET IMPROVEMENT PROJECT (Agency action)**

Executive Director Murphey gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

On motion of President Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Joint Resolution No. 2006-177/1678 hereby adopted, and a contract for the project in the amount of \$90,216 awarded as recommended, by the following vote:

Ayes :	Boyajian, Dages, Duncan, Perea, Westerlund, Sterling
Noes :	Calhoun
Absent :	None

("B") DISCUSSION AND ACTION RELATING TO THE CEDAR/JENSEN BYPASS TRAFFIC SIGNAL MODIFICATION PROJECT IN THE SOUTHEAST FRESNO REVITALIZATION REDEVELOPMENT PROJECT AREA

1. JOINT RESOLUTION NO. 2006-178/1679 - MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW AND AUTHORIZING INSTALLATION OF PUBLIC IMPROVEMENTS

2. AWARD A CONTRACT TO A-C ELECTRIC COMPANY FOR THE SIGNAL MODIFICATION PROJECT (Agency action)

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Joint Resolution No. 2006-178/1679 hereby adopted, and a contract for the project awarded as recommended, by the following vote:

Ayes : Boyajian, Dages, Duncan, Perea, Westerlund, Sterling
 Noes : Calhoun
 Absent : None

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("C") APPROVE PURCHASE AND SALE AGREEMENTS FOR PROPERTY AT 134 E. GEARY AND 155-157 E. GEARY IN THE SOUTHWEST FRESNO GNRA HOPE VI REDEVELOPMENT PROJECT AREA AND AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE AGREEMENTS AND TAKE ALL NECESSARY ACTIONS TO ACCEPT CONVEYANCE AND CARRY OUT THE AGREEMENTS (AGENCY ACTION)

Chair Sterling recused herself from the proceedings stating her family owned property in the Hope VI area and left the meeting at 3:05 p.m.

Senior Real Estate Agent Hansen and Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted, recommended approval, thanked public works staff for their diligence and efforts in bringing these acquisitions forward, and responded briefly to questions of Councilmembers Westerlund and Boyajian relative to lot sizes, and time line for remaining acquisitions, and if grant funds might be in jeopardy. Councilmember Boyajian thanked staff for all their work and stated this was a tremendous project and would be a catalyst for other good things.

On motion of Councilmember Westerlund, seconded by President Duncan, duly carried, RESOLVED, the acquisition of a vacant lot at 134 E. Geary owned by Michael and Leona Thomas for \$144,000, and a duplex at 155-157 E. Geary owned by Armando and Martha Uribe for \$190,300 hereby approved, and the Agency Executive Director authorized to execute all documents pertaining to the transaction, by the following vote:

Ayes : Dages, Duncan, Perea, Westerlund, Boyajian
 Noes : Calhoun
 Absent : None
 Recused : Sterling

("D") APPROVE SELECTION OF POTENTIAL OWNER PARTICIPANTS IN THE CHINATOWN REDEVELOPMENT PROJECT

1. APPROVE RESPONDENT NO. 35, RONALD SMITH, AS POTENTIAL OWNER PARTICIPANT (CANDIDATE FOR POSSIBLE OWNER PARTICIPATION AGREEMENT) IN THE CHINATOWN REDEVELOPMENT PROJECT, AND DIRECT THE EXECUTIVE DIRECTOR OR DESIGNEE TO USE BEST EFFORTS TO NEGOTIATE AN OPA WITH MR. SMITH, SUBJECT TO REVIEW AND APPROVAL OF THE AGREEMENT BY THE AGENCY BOARD (AGENCY ACTION)

2. APPROVE RESPONDENTS NOS. 1 THRU 34 AS POTENTIAL OWNER PARTICIPANTS (CANDIDATES FOR POSSIBLE OWNER PARTICIPATION AGREEMENTS) IN THE CHINATOWN REDEVELOPMENT PROJECT, AND DIRECT THE EXECUTIVE DIRECTOR OR DESIGNEE TO USE BEST EFFORTS TO NEGOTIATE AN OPA WITH EACH OF THE SELECTED PARTICIPANTS, SUBJECT TO REVIEW AND APPROVAL OF EACH AGREEMENT BY THE AGENCY BOARD (AGENCY ACTION)

Project Manager Freeman and Executive Director Murphey gave an in-depth overview of the two-part issue, all as contained in the staff report as submitted, stated the large response to owner participation was a milestone and spoke well and added it was the largest

in the Agency's history, and thanked staff, the consultant, and the project area committee for all their work.

Brunette Harris spoke in opposition and to the lack of district 3 representation expressing her concern and questioning how this project could go forth.

A motion and second was made to approve D-1. Upon Vice Chair Boyajian's request, Mr. Freeman clarified issues relative to the businesses and their OPAs and language that could be included stating they will not be subject to eminent domain if they comply with all of the requirements. Vice Chair Boyajian stated this was a good group of people and families that have been in the area for many years and stated they will be an asset and he appreciated them being there. Councilmember Westerlund thanked the Agency and the consultant stating it had been challenging at times and addressed Ms. Harris' comments stating none of the members took this job lightly, District 3 did have representation and explained, and clarified this project was not part of the Hope VI project.

On motion of Member Duncan, seconded by Member Perea, duly carried, RESOLVED, Item D-1 as outlined above hereby approved, by the following vote:

Ayes :	Dages, Duncan, Perea, Westerlund, Boyajian
Noes :	Calhoun
Absent :	None
Recused :	Sterling

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On motion of Member Westerlund, seconded by Member Duncan, duly carried, RESOLVED, Item D-2 as outlined above hereby approved, by the following vote:

Ayes :	Dages, Duncan, Perea, Westerlund, Boyajian
Noes :	Calhoun
Absent :	None
Recused :	Sterling

Chair Sterling returned to the meeting at 3:27 p.m.

Kathy Omachi, 759 "F" Street, Reedley, Vice President for Chinatown revitalization, spoke in support of Item D and thanked Council and the Agency for their support of Chinatown. Vice Chair Boyajian thanked Ms. Omachi for all her work.

The joint bodies adjourned their meeting at 3:28 p.m. and the City Council reconvened in regular session.

(1-B) AUTHORIZE THE CHIEF OF POLICE TO ACCEPT THE ONE-THIRD SHARE OF THE CIVIL FINES COLLECTED BY FRESNO COUNTY FOR TOBACCO VIOLATIONS THAT OCCUR IN THE CITY

1. RESOLUTION NO. 2006-179 - 78TH AMENDMENT TO AAR 2006-286 APPROPRIATING \$20,000

President Duncan clarified this item was tabled to this time for a full council due to the need for 5 affirmative votes and upon his question Interim City Attorney Sanchez stated the motion that was made prior to the item being tabled stood. Upon question of Councilmember Sterling, Councilmember Calhoun stated the fines collected were from tobacco and alcohol violations, the police department was recommending the funds go into the PAL program for general purposes, and clarified he was supportive of PAL but believed the money should be used for an anti-smoking campaign targeted at juveniles and not on a broad-based program.

Upon question of President Duncan, Deputy Chief Martin explained what PAL does besides field trips, what it does to help at-risk youth, and how this \$20,000 would help the program. Councilmember Westerlund spoke in support of staff's recommendation stating what PAL does is very specific -- targeting kids who may abuse substances, and stated an anti-smoking campaign was too broad. Councilmember Calhoun concurred there were fundamental differences but clarified he felt a strong message needed to be sent to kids, to the merchants who sell to kids, and to parents rather than being used on a few middle school students and further elaborated. Councilmember Boyajian clarified no one was against PAL, noted about a year ago a Council majority approved about \$20,000 for anti-graffiti efforts, and stated he agreed with Councilmember Calhoun on the need to go into elementary schools where it starts and get the message out early about the detriments and seriousness of smoking.

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to adopt the resolution with the \$20,000 to be used by the Chief of Police to develop an anti-smoking public information campaign targeting juveniles failed, by the following vote:

Ayes : Boyajian, Calhoun
Noes : Dages, Perea, Sterling, Westerlund, Duncan
Absent : None

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the Chief of Police authorized to accept the one-third share of the civil fines collected by Fresno County for tobacco violations that occur in the City, and the above entitled Resolution No. 2006-179 hereby adopted, by the following vote:

Ayes : Westerlund, Boyajian, Sterling, Perea, Dages, Duncan
Noes : Calhoun
Absent : None

Upon question President Duncan stated Council would be meeting in special closed session on May 24th from 1-4pm for city attorney interviews, on May 31st (at the Woodward Park Library) for budget, and meet back in regular session on June 6th.

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ADJOURNMENT

There being no further business to bring before the City Council, the hour of 3:43 p.m. having arrived and hearing no objections, President Duncan declared the meeting adjourned.

Approved on the _____6th_____ day of _____June_____, 2006.

_____/s/_____ ATTEST: _____/s/_____
Jerry Duncan, Council President Yolanda Salazar, Assistant City Clerk

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